

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

SEVENTY-FIRST LEGISLATIVE DAY
MONDAY, MARCH 23, 2009

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Palmer, Thompson. Total – 2.
Total – 70.

Prayer was offered by guest chaplain, Pastor Gary Moore.

The Pledge of Allegiance was led by Anna Richter, Page.

Approval of Journal

March 23, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-eighth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

March 20, 2009

Mr. Speaker:

I return herewith enrolled [H 143](#) which has been signed by the President.

WOOD, Secretary

Enrolled [H 143](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 20, 2009

Mr. Speaker:

I transmit herewith [SCR 109](#) and [S 1146](#) which have passed the Senate.

WOOD, Secretary

[SCR 109](#) and [S 1146](#) were filed for first reading.

March 20, 2009

Mr. Speaker:

I return herewith [H 142](#), [H 87](#), [H 103](#), and [H 104](#) which have passed the Senate.

WOOD, Secretary

[H 142](#), [H 87](#), [H 103](#), and [H 104](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 23, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 8](#), [H 257](#), [H 258](#), [H 259](#), [H 260](#), [H 261](#), and [H 262](#).

CLARK, Chairman

[HJM 8](#) was referred to the State Affairs Committee.

[H 257](#) and [H 259](#) were referred to the Revenue and Taxation Committee.

[H 258](#) and [H 261](#) were referred to the Business Committee.

[H 260](#) was referred to the Health and Welfare Committee.

[H 262](#) was referred to the Education Committee.

March 23, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 99](#), [H 100](#), [H 121](#), and [H 119](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 99](#), [H 100](#), [H 121](#), and [H 119](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 20, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 36](#), [H 37](#), [H 83](#), [H 51](#), and [H 102](#) to the Governor at 12:45 p.m., as of this date, March 20, 2009.

CLARK, Chairman

March 20, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 245](#) and [HJM 7](#) and recommend that they do pass.

NONINI, Chairman

[H 245](#) and [HJM 7](#) were filed for second reading.

March 23, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 249](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 249](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

[SCR 109](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 263 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE STATE CONTROLLER; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 10, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1020, IDAHO CODE, TO DEFINE TERMS AND TO REQUIRE THE STATE CONTROLLER WITH THE ASSISTANCE OF THE DIVISION OF FINANCIAL MANAGEMENT AND THE LEGISLATIVE SERVICES OFFICE TO CONSTRUCT AND COMPILE A SEARCHABLE BUDGET DATABASE WEBSITE FOR STATE SPENDING.

[H 263](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1146](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 255](#), by Appropriations Committee, was read the second time by title and filed for third reading.

[S 1138](#) and [S 1122](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[H 229](#), [H 202](#), [H 230](#), and [H 231](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 70](#), as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

[H 152](#), as amended in the Senate, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 76](#), as amended in the Senate, by Business Committee, was read the second time by title and filed for third reading.

[H 252](#), by Education Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 250](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

Mrs. Bell asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [H 250](#). There being no objection it was so ordered.

The question being, "Shall [H 250](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Barrett, Harwood, Loertscher. Total – 3.

Absent and excused – Palmer, Shirley, Thompson. Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 250](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 242](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Simpson to open debate.

Mr. Simpson asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [H 242](#). There being no objection it was so ordered.

The question being, "Shall [H 242](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Luker, Roberts, Thayn. Total – 3.

Absent and excused – Palmer, Thompson. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 242](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 241](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Andrus to open debate.

The question being, "Shall [H 241](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Kren. Total – 1.

Absent and excused – Palmer, Thompson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 241](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 203](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 203](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Palmer, Thompson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 203](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 97](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 97](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez,

Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nielsen, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Trail, Wills, Wood(27), Mr. Speaker. Total – 63.

NAYS – Barrett, Harwood, Mathews, Nonini, Wood(35). Total – 5.

Absent and excused – Palmer, Thompson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 97](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 233](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Anderson to open debate.

The question being, "Shall [H 233](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Palmer, Thompson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 233](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 23](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Pasley-Stuart and Mrs. Boe to open debate.

The question being, "Shall [HCR 23](#) be adopted?"

Whereupon the Speaker declared [HCR 23](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

[HCR 26](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall [HCR 26](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Black, Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Hart, Hartgen, Henderson, Jaquet, Killen, King, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Trail. Total – 20.

NAYS – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Chadderdon, Clark, Collins, Crane, Eskridge, Gibbs, Hagedorn, Harwood, Higgins, Jarvis, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Patrick, Raybould, Roberts, Ruchti, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 48.

Absent and excused – Palmer, Thompson. Total – 2.
Total – 70.

Whereupon the Speaker declared [HCR 26](#) failed to be adopted and ordered the resolution filed in the office of the Chief Clerk.

[HCR 29](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Schaefer to open debate.

The question being, "Shall [HCR 29](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Boe, Palmer, Thompson. Total – 3.
Total – 70.

Whereupon the Speaker declared [HCR 29](#) adopted and ordered the resolution transmitted to the Senate.

Mr. Hart asked unanimous consent that his vote on [HCR 26](#) be changed from "AYE" to "NAY". Mr. Roberts objected.

[HJM 5](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Loertscher to open debate.

The question being, "Shall [HJM 5](#) be adopted?"

Whereupon the Speaker declared [HJM 5](#) adopted by voice vote and ordered the memorial transmitted to the Senate.

[HJM 6](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Boyle to open debate.

The question being, "Shall [HJM 6](#) be adopted?"

Whereupon the Speaker declared [HJM 6](#) adopted by voice vote and ordered the memorial transmitted to the Senate.

[HJM 4](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

Mr. Harwood asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [HJM 4](#). There being no objection it was so ordered.

The question being, "Shall [HJM 4](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Clark, Collins, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jarvis, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Raybould, Roberts, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(24), Stevenson, Takasugi, Thayn, Trail, Wills, Wood(35), Mr. Speaker. Total – 51.

NAYS – Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Jaquet, Killen, King, Pasley-Stuart, Patrick, Pence, Ringo, Ruchti, Rusche, Sayler, Smith(30). Total – 17.

Absent and excused – Thompson, Wood(27). Total – 2.
Total – 70.

Whereupon the Speaker declared [HJM 4](#) adopted and ordered the memorial transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

March 23, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 256](#) and recommend that it do pass.

NONINI, Chairman

[H 256](#) was filed for second reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, March 24, 2009. Seconded by Mr. Rusche. Motion carried.

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Whereupon the Speaker declared the House adjourned at
12:25 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk